

Legislative Fiscal Bureau

Fiscal Note

HF 2553 - Fourth Amendment Waiver (Probation) (LSB 5531 HV)
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Fiscal Note Version - New
Requested by Representative Clel Baudler

Description

House File 2553 provides that an inmate may voluntarily agree to a condition of parole or work release that requires him or her to be subject to search of the person, property, place of residence, vehicle, or personal effects at any time, with or without a search warrant or probable cause, by any peace officer as designated in Chapter 801.4, Code of Iowa. People on probation may also voluntarily agree to these searches as a condition of probation. The Bill requires the Board of Parole or the eight Community-Based Corrections (CBC) District Departments to notify local law enforcement and the Iowa Department of Transportation of this condition of parole or probation. The Department of Transportation is required to release the information as provided in Section 321.11, Code of Iowa.

Assumptions

1. The Fourth Amendment waiver provision is a voluntary condition of parole, work release, or probation. There is no readily available information with which to predict the number of offenders who will voluntarily agree to waive their Constitutional Rights regarding search and seizure.
2. There were 2,350 new parole cases, 16,961 new probation cases, and 1,244 new work release cases during FY 2000. Therefore, 20,555 offenders annually may agree to waive their Fourth Amendment rights.
3. There is no fiscal impact on the Board of Parole, Department of Transportation, or Department of Public Safety.

Correctional Impact

The correctional impact of HF 2553 cannot be determined.

Fiscal Impact

If a significant number of offenders agree to waive their Fourth Amendment rights, there will be increased workload for Community-Based Corrections (CBC) staff due to the notification requirements. The impact of HF 2553 cannot be determined since it is not known how many offenders will agree to the waiver.

Sources

Board of Parole
Department of Transportation
Department of Public Safety
Department of Corrections
Office of the State Public Defender

/s/ Dennis C Prouty

March 5, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
